THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.22922 OF 1998

DATED: 27-6-2007

Between:

Pulipaka Gattaiah and another

.. Petitioners

and

The Singareni Collieries Company Limited, Mandamarri Division, Mandamarri, Kalyankhani post, Adilabad District, represented by its General Manager and others.

.. Respondents

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ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents 1 and 2 in appointing the respondents 3 to 5 as Junior Grade Munshis vide office order, dated 06.7.1998, from the selection list of 1997, which was valid only up to 05.2.1998, and denying the opportunity to the petitioners to participate in the fresh test or seeking regularization of their services in the cadre of Munshis as arbitrary and illegal.

It appears, though the petitioners are said to be working as Trammers with the 1st respondent company, their services are being utilized as acting Munshis. While so, to fill up the vacant posts of Junior Grade Munshis (Grade-III), a test was conducted on 05.2.1997 in which the petitioners have also participated, but could not be selected for promotion to the said posts. It is the grievance of the petitioners that since they were not selected for the said posts of Junior Grade Munshis (Grade-III), they refused to work as acting Munshis, upon which the authorities convinced them to work as acting Munshis stating that their cases will be considered in the next test which will be conducted after one year and it is further stated that the selection list pertaining to the test conducted on 05.2.1997 will be in force for a period of one year. But, to their surprise, without conducting a fresh test after one year as stated by the authorities, the 1st respondent issued an office order, dated 06.7.1998, promoting the respondents 3

to 5 on the basis of the selection list pertaining to the test conducted on 05.2.1997, which is arbitrary and illegal. The petitioners further allege that the very promotion of the respondents 3 to 5 by the respondents 1 and 2, by operating an invalid selection list after 05.2.1998, is bad in law.

In the counter filed by the respondents, it is asserted that the validity of the selection list, which expired on 05.2.1998, was extended for another one year and, before expiry of the said extended term, the respondents 3 to 5, who were found to be seniors in the selection list, were promoted as Junior Grade Munshis (Grade-III). Therefore, the allegations made by the petitioners are unfounded.

The petitioners filed no reply affidavit to the counter filed by the respondents.

Thus, in view of the fact that the validity of the selection list was extended for another one year from 05.2.1998 and that the respondents 3 to 5 are admittedly seniors in the said selection list, it cannot be said that the official respondents have committed any error in appointing the respondents 3 to 5 as Junior Grade Munshis (Grade-III).

Be that as it may, this Court, by an order dated 24.9.1998 in W.P.M.P.27618 of 1998, directed to maintain status quo as to the status of the petitioners and the same was made absolute on 29.7.1999.

Now, the learned counsel for the petitioners asserted that in view of the said order, dated 24.9.1998, which was made absolute on 29.7.1999, the petitioners are continuing as Junior Grade Munshis, as of now.

Under these circumstances, the respondents are directed to

consider the case of the petitioners either for regularization of their services in the cadre of Junior Grade Munshi (Grade-III) or for absorption in any future vacancies, since they are working for the last more than twenty years. Till such time, the services of the petitioners shall not be disturbed.

With the above direction, the writ petition is disposed of. No costs.

C.V. RAMULU, J

27th June, 2007.
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